

Order

Michigan Supreme Court
Lansing, Michigan

October 30, 2020

Bridget M. McCormack,
Chief Justice

160503

David F. Viviano,
Chief Justice Pro Tem

CINDY SCHAAF, COLLEEN M. FRYER, and
GWEN MASON,
Plaintiffs/
Counterdefendants-Appellants,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 160503
COA: 343630
Antrim CC: 2016-009008-CH

CHARLENE FORBES, a/k/a ANGIE FORBES,
Defendant/
Counterplaintiff-Appellee.

On order of the Court, the application for leave to appeal the August 6, 2019 judgment of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the Court of Appeals judgment and we REMAND this case to the Court of Appeals to determine whether the circuit court was vested with subject matter jurisdiction of the case, see MCL 700.1302; MCL 700.1303. The Court of Appeals erred in reaching the merits before the threshold jurisdictional issue was resolved. See *Bowie v Arder*, 441 Mich 23, 56 (1992) (“When a court lacks subject matter jurisdiction to hear and determine a claim, any action it takes, other than to dismiss the action, is void.”). Once the determination of subject matter jurisdiction is made, the Court of Appeals shall reconsider (if necessary) the legal issue raised by the defendant on appeal.

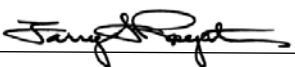
We do not retain jurisdiction.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 30, 2020


Clerk